

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WYTISHA R. STROMAN,

Plaintiff,

v.

Civil Case No. 18-12886
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S
AUGUST 20, 2019 REPORT AND RECOMMENDATION [ECF NO. 20]; (2)
DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT [ECF
NO. 16]; (3) GRANTING DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT [ECF NO. 19]; AND (4) AFFIRMING DEFENDANT’S
DECISION**

On September 14, 2018, Plaintiff filed this lawsuit challenging the Commissioner of Social Security’s (“Commissioner”) final decision denying Plaintiff’s application for social security benefits under the Social Security Act. This Court referred the matter to Magistrate Judge R. Steven Whalen for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. §636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 16, 19.)

On August 20, 2019, Magistrate Judge Whalen issued an R&R recommending that this Court grant the Commissioner's motion and deny Plaintiff's motion. (ECF No. 20.) In the R&R, Magistrate Judge Whalen rejects Plaintiff's argument that (i) the hypothetical question that formed the basis of the ALJ's residual functional capacity determination should have reflected her alleged right hand limitations and (ii) an additional consultative examination is warranted. At the conclusion, Magistrate Judge Whalen advises the parties that they may object to and seek review of the R&R within 14 days of service upon them. (*Id.* at Pg ID 677.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at Pg ID 677-78 (citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen. The Court therefore adopts Magistrate Judge Whalen's August 20, 2019 R&R.

Accordingly,

IT IS ORDERED that Plaintiff's motion for summary judgment (ECF No. 16) is **DENIED**;

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (ECF No. 19) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's decision finding Plaintiff not disabled under the Social Security Act is **AFFIRMED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 17, 2019